

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 80768

Mahmud Ashfaq
Asad Ali
Mir Raza Ali
9307 Sea Horse Court
Baltimore MD 21219

2952 Cornwall Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on July 28, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, failure to remove all trash and debris from residential property zoned DR 10.5 known as 2952 Cornwall Road, 21222.

On July 14, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jerry Chen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Mahmud Ashfaq, Respondent and, Jerry Chen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 22, 2009 for storage of garbage in containers with tight lids. A Correction Notice was issued on January 7, 2010 for removal of open dump/junk yard, remove trash and debris. A Citation was issued on February 4, 2010 for failure to store garbage in cans with tight lids. A Correction Notice was issued on May 12, 2010 for removal of trash and debris, and to cease rat infestation. This Citation was issued on July 14, 2010.

B. Inspector Jerry Chen testified that this Citation was issued because of junk, trash and debris in the yard and overflowing trash cans. He testified that the file shows multiple repeated similar violations going back to 2007, and requested imposition of a civil penalty. Photographs in the file taken July 13, 2010 show a small amount of junk and trash in the back yard, including old lumber. This violates prohibitions against the accumulation of junk, trash and debris on residential property. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Photographs in the file taken earlier in the year show overflowing garbage cans and bagged garbage on the ground, but there are no such photographs later than May 2010.

C. Respondent Ashfaq testified that he has evicted the tenants who were causing code violations earlier in the year, and that it took him two and a half months to evict the tenants. He testified that he has hired a property manager. He testified that he always corrects violations when he gets notices. He provided photographs showing the property has been cleaned up.

D. Because compliance is the goal of code enforcement, the proposed civil penalty will be rescinded if re-inspection finds the violations corrected. However, because the history of this property shows repeated violations, periodic inspections will be required during the time provided below. Respondent is also advised that pursuant to departmental policy, future similar violations are subject to immediate Citation with possible civil penalty.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected and do not recur between the issuance of this Order and November 15, 2010.

IT IS FURTHER ORDERED that the County re-inspect this property periodically between the date of this Order and November 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

ORDERED this 3rd day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.